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Fifty-second session

SUMMARY RECORD OF THE 21st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 1 April 1996, at 3 p.m.

Chairman:	Mr. VASSYLENKO (Vice-Chairman)	(Ukraine)
later:	Mr. VERGNE SABOIA (Chairman)	(Brazil)

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In the absence of Mr. Vergne Saboia (Brazil), Mr. Vassylenko (Ukraine), Vice-Chairman, took the Chair.

The meeting was called to order at 3.15 p.m.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 11) (continued) (E/CN.4/1996/70; E/CN.4/1996/NGO/50 and 63)

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 16) (continued) (E/CN.4/1996/88, 129 and 130; A/50/514)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 18) (continued) (E/CN.4/1996/95 and Add.1 and 2 and Add.2/Corr 1; E/CN.4/1996/NGO/19 and 59)

1. Mr. CLEMENT (Pakistan), after expressing gratitude to the Special Rapporteur on the question of religious intolerance, Mr. Amor, for his observations after his visit to Pakistan (E/CN.4/1996/95/Add.1), said that in Pakistan minorities accounted for 3.32 per cent of the population and their members were full Pakistani citizens. Their equality derived from Pakistan's "Magna Carta" which dated from 23 March 1940, from the Presidential address made to the first Constituent Assembly of Pakistan by the founder of the nation, Quaid-e-Azam Mohammad Ali Jinnah, from Pakistan's flag (in which the colour white represented inclusion and equal participation of all minorities and the white star in the crescent the promise of a prosperous future for minorities), and from Pakistan's national anthem.

2. Pakistan embraced a modern, liberal and tolerant ideology. Members of all communities and religions occupied or had occupied the most prominent State positions. Since her accession to the post of Prime Minister 28 months previously, Mohtarma Benazir Bhutto had personally spearheaded the campaign for the promotion of the rights of minorities and had taken many unprecedented measures in that sphere. Her cabinet had recently approved an electoral reform package under which members of minorities could vote for candidates for general seats, in addition to the seats specifically allocated to minorities in the national and provincial assemblies. That decision had been widely acclaimed by its beneficiaries. A tribunal for disadvantaged persons, which would consider complaints of abuses against members of minorities, women and children, had been set up.

3. Among the other measures taken by the Government, he cited the improvement of political representation for minorities and the establishment, at the national and provincial levels, of several institutions responsible for protecting the rights of minorities, such as the independent Ministry of Minorities Affairs, the Commission of Minorities, the Federal Advisory Council of Minorities, Provincial Calls for Minority Affairs, etc. The Government had also taken measures to restrict the abuses to which the blasphemy law gave rise.

4. While the Government was doing everything it could to uphold the rights of minorities, it did encounter serious problems caused by the actions of extremist groups motivated by fanaticism and by partisan political objectives. Those groups, which had been manipulated by certain Western Governments during the war in Afghanistan were currently attacking moderate Muslims and minorities. The Government of Pakistan would do its utmost to ensure that they did not achieve their ends and to combat all forms of intolerance and of violence linked to drug trafficking, arms dealing and extremism. It was sincerely striving to promote respect for fundamental rights, in particular those of minorities, women, children and disadvantaged persons, as well as religious harmony and tolerance.

5. Ms. ANDERSON (Observer for Ireland) said that the picture painted year after year by the Special Rapporteur on the question of religious intolerance was particularly gloomy. In Iran, the persecution of the Baha'i communities and discrimination against Christians were particularly disturbing, and her delegation supported the recommendation by the Special Rapporteur that the prohibition on the Baha'i organization should be lifted. Regarding Pakistan, the Special Rapporteur had concluded that current State laws relating to religious minorities were likely to favour or foster religious intolerance within society.

6. Her delegation continued to believe that country visits by the Special Rapporteur were useful, and called for the implementation of the specific legal, administrative and other measures recommended by the Special Rapporteur, particularly with regard to Tibet, which he had visited in November 1994. It noted with concern that the urgent appeals he had addressed to Egypt and to China remained unanswered.

7. Violations of the right to freedom of religion were frequent in situations of internal armed conflict. In the Sudan, government agents violated the rights of religious minorities; in Croatia and in Bosnia and Herzegovina the warring parties had deliberately destroyed religious buildings; in Rwanda, persons who had sought refuge in churches had been brutally massacred.

8. In the face of all those situations it was vital for the Special Rapporteur to be able to perform his mandate as effectively as possible; to achieve that, her delegation suggested that his action should focus on three priorities: the Special Rapporteur's main focus should be governmental actions that were contrary to the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, because Governments were primarily responsible for promoting and protecting human rights; he should devote particular attention to those situations which involved the gravest violations of the right to freedom of religion or belief and, finally, he should recommend specific remedial measures for violations of those rights. As in previous years, her delegation would introduce a resolution on the issue and hoped that it would be adopted by consensus.

9. Mr. NASSERI (Observer for the Islamic Republic of Iran) drew attention to the extremely restrictive policies and measures adopted in recent years by Western countries towards migrant workers and asylum seekers. That

alarming situation had caused concern to non-governmental organizations (NGOs) such as Amnesty International and to United Nations agencies such as UNHCR.

10. The Western press regularly reported acts of violence against foreigners. Official United Nations documents also reflected that phenomenon. For example, document E/CN.4/1995/NGO/36 gave details of violations of the rights of migrant workers and their families in the United States and drew special attention to the disastrous impact of Proposition 187 in the State of California. Within the European Union, the seriousness of the situation had been recognized and a report dated April 1995, by the European Parliament's Committee on Civil Liberties and Internal Affairs denounced, inter alia, ill-treatment, rape and torture by members of the forces of law and order against asylum seekers or third-country nationals, the rise of racism and xenophobia and deplored the fact that not one member State of the Union had either signed or ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

11. The restrictive and repressive policies of Western countries towards foreigners, which were a source of great suffering, had serious long-term consequences as they engendered mutual suspicion and hatred among the various groups of society. The Governments of Western countries were responsible for combating the rising xenophobic tendencies in their midst. For its part, the Commission on Human Rights should remain vigilant and keep abreast of those developments. It could request the Secretary-General to submit a report, at its fifty-third session, on the situation of migrant workers and their families in different countries, including Western countries. It could also request the High Commissioner for Human Rights to pursue the matter and to report to it at its next session. Those reports should particularly concentrate on ways and means of reversing current racist trends before they became institutionalized.

12. Ms. INTELMANN (Observer for Estonia) emphasized the cooperation that had developed between the international and regional organizations and her country in building a pluralist and pluri-ethnic society that observed the rights of the different population groups and minorities. Estonia had in particular benefited from the experience of the Council of Europe and of OSCE in the field of protection for minorities, and it would be desirable for the United Nations also to play an important role in that sphere. Estonia had signed all the major international human rights instruments and gave due attention to the activities of the treaty bodies. The High Commissioner for Human Rights had visited Estonia in 1994 and had described the situation there in his report to the forty-eighth session of the General Assembly.

13. Estonia, which had been independent since 1991, recognized the right of members of national minorities to receive an education in their mother tongue. Anyone who considered himself a victim of a human rights violation could, once internal remedies had been exhausted, appeal to the European Court of Human Rights or to the Human Rights Committee. The Estonian authorities were resolved to continue along the democratic path they had chosen.

14. Mr. VIGNY (Observer for Switzerland), referring to the first session of the Working Group on Minorities, held in August-September 1995, noted two positive developments: first of all, the decision by the Working Group to

authorize the greatest possible number of observers to participate, whether they were States, international organizations, NGOs or academics; secondly, the initiation of a constructive non-polemical dialogue on a number of issues, ideas and experiences regarding protection for the rights of persons belonging to minorities. His delegation hoped that the exchange of factual and objective information would continue at the second session of the Working Group. Among the issues due to be addressed by the Working Group at its next session, three were particularly important: the role of education and the media; the dialogue between minorities and Governments; and the dialogue among minorities themselves.

15. The Working Group should not devote too much attention to defining minorities. The idea of the Chairman of the Working Group, Mr. Eide, of referring to "categories of minorities" was interesting as it permitted a flexible and evolving approach to the protection of minorities, although it might offer States a free hand in deciding which specific rights to grant a minority.

16. In conclusion, he expressed the hope that synergy would develop between the activities of the Working Group on Minorities and those of other United Nations bodies, and in particular that a dialogue would be established with the High Commissioner for Human Rights, whose mandate was to promote the rights of persons belonging to minorities, as contained in the 1992 Declaration. In the course of that dialogue, it was vital for the High Commissioner to give priority to preventive measures and to come up with rapid responses to any emergency involving minorities. The Working Group should assist him in his task by rapidly adopting recommendations thereon.

17. Mr. Vergne Saboia (Brazil), Chairman, took the Chair.

18. Mrs. KALNIETE (Observer for Latvia) said that Latvia had always been an ethnically diverse and multicultural country. Its population was currently 55 per cent Latvian, 33 per cent Russian, 4 per cent Belarusian, 3 per cent Ukrainian and 2 per cent Polish, together with a number of other ethnic groups. Latvia had been a member of the Council of Europe since February 1995 and had signed the European Convention on Human Rights and the Council of Europe's Framework Convention for the Protection of National Minorities. The rights of all residents, regardless of their nationality, were guaranteed by the Act of 19 March 1991 on the Unrestricted Development and the Right to Cultural Autonomy of Nationalities and Ethnic Groups in Latvia.

19. The rights of citizens of the former USSR currently residing in the Republic of Latvia were determined by the "Act on the Status of Citizens of the Former USSR who are not Citizens of Latvia or of Any Other State", adopted in 1995. Inter alia, the Act guaranteed those concerned the right freely to leave the country and to return there using a special passport.

20. Protection for minority languages and cultures was guaranteed by the Act on the Unrestricted Development and the Right to Cultural Autonomy of Nationalities and Ethnic Groups in Latvia. There were 20 minority cultural associations in Latvia, to which the Government had returned the property they had owned in 1940. In addition, on the understanding that teaching in national languages was essential for the preservation of cultural identity,

the Government of Latvia was endeavouring to develop that trend. In Riga, education was provided in seven schools in Polish, Hebrew, Ukrainian, Estonian, Lithuanian and Belarusian. Higher education was dispensed in Latvian and Russian.

21. There were also several religions. The Government followed a policy of religious tolerance and of strict separation between Church and State. The right of all persons residing in Latvia, including minorities, freely to choose and practise a religion was guaranteed by the 1995 Act on Religious Organizations. Under the Act on the Restoration of Property to Religious Organizations, the latter would also be able to recover the property they had owned in 1940.

22. Although citizenship was not a subject of human rights legislation, the Government of Latvia had begun a process of naturalization whose terms had been set out in the Act of July 1994 on Citizenship, which had been approved by the experts of OECD and of the Council of Europe as measuring up to international standards.

23. Mr. LAHELMA (Observer for Finland), speaking on behalf of Denmark, Iceland, Norway and Sweden on agenda item 16, said that the different national, ethnic, religious and linguistic groups all had a contribution to make to development and to the specific character of each nation. It was thus essential to promote and protect their rights, and the adoption in 1992 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the establishment of the Working Group on Minorities under the auspices of the Sub-Commission were very important decisions in that respect.

24. Active participation by the representatives of minority organizations and by Governments at the first session of the Working Group, in August 1995, had made it possible to initiate a dialogue which could only enhance the peaceful integration of those groups, with full respect for the territorial integrity and political independence of States. Finland particularly urged the Working Group to study the experience acquired by States regarding measures to protect the identity of minorities and to ensure they participated effectively and peacefully in society, with particular attention to their education policies. His delegation hoped that States would provide the Working Group with all the relevant information it required. For their part, the Governments of the Nordic countries would actively participate in the deliberations of the Working Group at its next session.

25. His delegation expected the Working Group to maintain close contact with the United Nations High Commissioner for Human Rights, who was currently developing a comprehensive programme for the protection of minorities, and that the capacity of the Centre for Human Rights to deal with minority issues would be strengthened. The Working Group should also take advantage of the results and information obtained by other United Nations bodies as well as by regional organizations such as the Council of Europe and the OSCE's High Commissioner on National Minorities.

26. She concluded by expressing the hope that in 1998 the Working Group would be able to submit a report to the Commission containing recommendations on measures that could be taken by the United Nations to protect the rights of minorities.

27. Mr. PROCHACKA (Observer for Slovakia) noted that in the past five years huge strides had been made towards protection for the rights of national minorities as a result of the adoption of the document of the Copenhagen Meeting of the Conference on the Human Dimension of CSCE, the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the Council of Europe's Framework Convention for the Protection of National Minorities. Slovakia had shown its deep appreciation of the results of that effort by fully incorporating the principles relating to the protection of national minorities set out in those documents into its bilateral treaties, and in particular into the Treaty on Good Neighbourliness and Friendly Cooperation between the Slovak Republic and the Republic of Hungary, which the Slovak Parliament had ratified only recently. It had also adopted legislation on minorities in conformity with those principles, in particular regarding the linguistic rights of members of national minorities.

28. At the present juncture it was important for the commitments made internationally to be given concrete expression not only in countries' domestic legislation but also in daily life, on the understanding that a balance had to be preserved between the rights and interests of national minorities and those of the State on whose territory they lived. Any disequilibrium in either direction - whether failure to respect the rights of minorities and their assimilation or an attempt at secession on their part - would have serious consequences on stability and peaceful coexistence in the region concerned.

29. Mr. BENJELLOUN-TOUIMI (Observer for Morocco), speaking on agenda item 18, said that the Organization of the Islamic Conference comprised 52 member States whose populations mostly shared the Muslim religion, culture and civilization. Islam's message had always advocated a new world order based on the unity of mankind, thereby presupposing the abolition of any notion of race, colour and language, unity of faith and of the divine message and unity of concerns and objectives. It was unfortunate that in recent years the West had taken a distorted view of Islam, which was essentially a religion of tolerance, which advocated dialogue and excluded extremism and excess. The position of Muslims was, however, clear: they rejected all forms of violence, vigorously condemned extremism and terrorism and called for dialogue and cooperation in order to identify those common denominators that would allow all civilizations to coexist in peace.

30. In fact, Islam was not a problem, and the crux of the matter was the accumulated aftermath of the colonial periods experienced by Muslim States in the third world, whose economic, social, political and cultural problems they shared. The time had come to set aside outmoded attitudes and to envisage the future in a spirit of cooperation and understanding, free from any type of complex.

31. His delegation reasserted that genuine Islam was neither a danger nor a threat of any kind for the West. Nothing in Islam gave grounds to consider it an enemy or to suspect it of extremism, terrorism or opposition to dialogue. His delegation called for an end to the witch-hunt and hoped that the world would show tolerance and objectivity towards Islam and establish trusting relations with that religion by recognizing its true spirit.

32. Mr. PETRESKI (Observer for The Former Yugoslav Republic of Macedonia) commended the successful commencement of the work of the Working Group on Minorities, which was an encouragement for all those who sought to promote and effectively protect the rights of minorities. It was in that spirit that The Former Yugoslav Republic of Macedonia suggested that a comparative study on the situation of national minorities in the Balkans should be carried out, as a means of identifying the problems facing those minorities and finding possible solutions to them. That proposal had been supported, inter alia, by the Special Rapporteur of the Commission on the situation of human rights in the territory of the former Yugoslavia, Mrs. Elisabeth Rehn, and by the OSCE High Commissioner on National Minorities, Mr. Max van der Stoel.

33. The situation of national minorities in the Balkans was indissociably linked to the development of relations among the countries in that region, hence the need for constant dialogue and cooperation between them on issues concerning national minorities, in order to preserve the region's stability. The comparative study would provide an exceptional opportunity for such a dialogue. It would certainly be no easy task, on account of the diverse status of minorities, but the Working Group on Minorities would undoubtedly be the most suitable forum within the United Nations for examining the project and the means of carrying it out. In that task, it would be advisable for it to cooperate with regional organizations such as OSCE and the Council of Europe.

34. Mr. EGUZ (Observer for Turkey) said that the question of migrant workers, which was examined under agenda item 11, was one of the most complex human rights problems, and one that affected millions of individuals who had been living for years in the West without any form of protection. Such was the case, in particular, of approximately 2.7 million Turkish citizens, most of whom had been living in Western Europe for over 20 years.

35. The principal problem faced by migrant workers was their lack of status. Even though they participated in all spheres of the life of their country of residence, they were still legally considered as aliens, without the same opportunities for employment, education and housing as other citizens, and they generally suffered direct or indirect discrimination based on racial and ethnic origin. As a result, they became the main target of xenophobia and racial violence and lived in fear of harassment, or even of being killed or seeing their homes burnt down. Many Turkish workers had lost their lives in Western European countries through such heinous acts of violence. It was at the very least paradoxical that in the modern world, which advocated the values of democracy and human rights, there should be such a resurgence of racism and xenophobia.

36. His delegation was convinced that the application of policies of integration, rather than assimilation, was alone capable of solving the problems faced by migrant workers. An important element of the integration process would be to permit migrant workers to take part in the politics of their country of residence and thus to grant them the right to vote and to be elected at local elections. They should also be allowed to acquire dual nationality. He pointed out that Turkey had accepted the principle in 1981, by amending its legislation on nationality.

37. Mr. LE LUONG MINH (Observer for Viet Nam) said that over 50 ethnic groups coexisted on Vietnamese territory, and that almost one third of the population practised one of the 10 religions identified in Viet Nam. Throughout its history, the Vietnamese nation had never experienced the bitterness of inter-ethnic hatred and conflict or of religious intolerance or discrimination; it was a national tradition which the Vietnamese State and Government had always striven to preserve. Article 5 of the 1992 Constitution set out the principle of equality among all ethnic groups, their right to use their language and alphabet and to preserve their identity and traditions. Article 70 guaranteed the right of all Vietnamese citizens to profess or not to profess a religion and equality between all religions. A number of decrees and ordinances had been promulgated to ensure the effective implementation of those provisions and to punish those who violated them. The members of ethnic minorities not only enjoyed equality but were also given priority in the economic, cultural, educational and health spheres, and their priority would be reaffirmed in the plan for socio-economic development up to the year 2000 and beyond, currently under preparation. In addition, in Viet Nam all places of worship were protected by the State, and all the major religions had their own schools.

38. Equality among all ethnic groups and the exercise of freedom of religion and belief, both in law and in practice, were realities that no one could objectively deny. Unfortunately, some Vietnamese living abroad refused to recognize that fact and repeated before the Commission totally unfounded allegations in their "communications". It was high time for the Commission to take measures to put an end to the efforts of those who attempted to politicize human rights issues.

39. The Vietnamese Government would continue to take effective measures to guarantee the right of Vietnamese to freedom of religion within the framework of its policy of renovation and strengthening the primacy of law, which it would be able to accomplish provided it benefited from the desired cooperation and understanding.

40. Mr. MIRCEA (Observer for Romania) said that the question of the rights of national or ethnic, religious and linguistic minorities now benefited from a well-established framework constituted, at the international level, by the 1992 Declaration and the documents of the World Conference on Human Rights, and, at the European level, by the Framework Convention for the Protection of National Minorities.

41. In those documents, States had agreed that persons belonging to minorities should, on the one hand, be entitled to enjoy their own culture, practise their own religion and use their own language both in private and in public, all of which rights derived from the dignity and freedom to which all human beings were entitled, but also, on the other, refrain, when exercising those rights, from violating the territorial integrity, unity and political independence of States.

42. Notwithstanding the widespread acceptance of those fundamental principles, there were still individuals here and there who attempted to call them into question by claiming that persons belonging to minorities should benefit from "collective rights" or enjoy "cultural, territorial or personal" autonomy, or even the right to self-determination.

43. Even though such claims had not received the expected support, they were dangerous in several respects as they helped to maintain mistrust and hatred among the different ethnic, religious and linguistic communities that made up most States, and frequently concealed territorial claims and political aims.

44. The best means of combating them was undoubtedly to promote universally recognized norms and rules even more vigorously than before, in all meetings and activities concerning minorities. Encouragement should also be given to the development of a human rights culture in all national societies and every effort should be made to promote tolerance in all its aspects by dispelling the dangerous notion that the constitution of ethnically pure zones was inevitable. Emphasis should also be placed on the link between human rights, including the rights of minorities, on the one hand, and democracy and development on the other. Finally, greater attention should be paid to the duties that derived, for persons belonging to minorities, from their status as citizens of a State and consideration should be given to practical solutions that might be suggested in respect of integration.

45. As a party to virtually all the relevant international instruments, Romania had developed a legislative, institutional and practical framework which enabled it to protect the ethnic, cultural and religious identity of all the minorities living on its territory. None the less, Romania emphasized that the restoration of the privileges which certain minority groups had enjoyed in the past was no longer acceptable in a democratic State governed by the rule of law.

46. Mr. ARIF (Afro-Asian People's Solidarity Organization) said that his organization, which had always combated discrimination against ethnic, religious and linguistic minorities, welcomed the progress made in the world towards recognition of the equal rights of all human beings.

47. In that respect, Pakistan was perhaps the only country that still constituted an exception, as it practised large-scale racial and ethnic discrimination against a sizeable minority, the Mohajir nation. The Mohajir, who had arrived in Pakistan when it was still part of India, were distinguished from the rest of the population by their culture, their civilization, their language and their aesthetic and artistic aspirations. They currently accounted for almost 50 per cent of the total population of Sind province. The Government of Pakistan practised systematic discrimination against them both socially and in the political sphere, where it targeted their only representative party, the Mohajir Quami movement. Representation of the Mohajir in the national and provincial assemblies was artificially reduced by gerrymandering and manipulation of census figures in order to underestimate the size of the Mohajir population.

48. The Government systematically weeded out Mohajir civil servants or police officers in order to reduce their influence and power base in the country. Mohajir magistrates and judges were regularly replaced by non-Mohajirs.

49. He hoped that denunciation of those facts would help to awaken the world's conscience. He called on the Commission to appoint a special rapporteur on Pakistan to investigate the discrimination and systematic persecution against the Mohajir nation.

50. Mr. CUNNIAH (International Confederation of Free Trade Unions) regretted that the interest shown in the issue of migration at the International Conference on Population and Development and at the World Summit for Social Development had not led to more tangible national measures. Although there were currently almost 40 million migrant workers throughout the world, only seven countries had so far signed or ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990. Worse still, anti-immigration movements were gaining ground in many countries. The upsurge of xenophobia and racism in Europe was particularly disturbing. Many Governments tended to forget that immigrants had come to their countries because there was a demand for labour. Such an attitude, which was tantamount to considering migrant labour as a cheap import, encouraged the activities of dishonest intermediaries and traffickers.

51. Among the regions where violations of the rights of migrant workers were most blatant, the Gulf held a sorry record. Everyone remembered the case of Sarah, the young girl from the Philippines convicted of killing her employer after being raped by him.

52. It was high time for Governments to consider the question of migration as an important element of economic and social development rather than a problem, and to establish an orderly migration system that guaranteed respect for the rights of migrant workers and their families. Migration benefited both sending and receiving countries.

53. In view of the scale of migrations, the seriousness of the abuses committed and the international dimension of the problem, the Commission on Human Rights should devote serious attention to the issue. It could begin by calling on all Governments to ratify and implement the international instruments relating to protection for the rights of migrant workers.

54. Mr. NAZIRI (International Falcon Movement) said that the principle of freedom of religion should not be distorted for political ends. The current situation unfortunately offered a wealth of examples of cases in which religious extremism led to terrorism. The issue was particularly serious when the terrorism received clear assistance and support from a State. In defiance of all the precepts of Islam, which was a compassionate and tolerant religion, Iran's current leaders gave open support to Islamic Palestinian groups and applauded the attacks carried out in Israel. Inside Iran, intolerance based on the State religion affected both Muslims and non-Muslims. Special courts had been set up to punish members of the Shiite clergy who contested the official version of Islam. Regardless of what the Government claimed, it was increasingly difficult for the Sunnites, Christians, Jews or members of other religious minorities to achieve representation in Parliament. Under the regime of Khomeiny and his heirs the number of non-Muslim Iranians had fallen by 35 per cent, as many of them had been forced into exile.

55. The international community could no longer remain silent in the face of that tragedy. It was time to show firmness and to put an end to those practices.

56. Mr. FRIEDMAN (Coordinating Board of Jewish Organizations) drew the Commission's attention to the excesses occurring in the use of certain

communication technologies such as the Internet, which threatened to undo all the efforts made to promote tolerance and understanding among different ethnic, religious and linguistic groups throughout the world. The Internet was increasingly used by extremist, racist and anti-Semitic groups to spread hateful information that could subsequently be reproduced using personal computers and disseminated locally. Unfortunately, those "programmes" were not interactive and it was impossible publicly to challenge their authors or to refute the information provided. Neo-Nazi propaganda, in particular, was extremely difficult for the survivors of the Holocaust and their families to bear. The problem concerned the international community as a whole and should be addressed while the Internet was still in its infancy. The Commission, whose mandate was to promote tolerance, human rights education and the elimination of racism, bore special responsibility in that respect and should participate in monitoring and research measures concerning the Internet and promote the adoption of international legislation to make it possible to regulate its use.

57. Mrs. FAUCHERE (World Confederation of Labour) said that migrant workers still suffered unacceptable treatment in several regions of the world, including Europe where they were frequently exploited. The facts were confirmed by ILO studies. Exploitation of foreign labour was encouraged by the proliferation of international employment agencies, which engaged in all types of trafficking and treated individuals as mere commodities.

58. The situation of women migrant workers was even worse than that of their male counterparts. They performed the least secure and lowest-status jobs, and many of them suffered both psychological and physical ill-treatment, even in cities such as Geneva, Paris, London or Brussels. The Middle East and Asia were the leading users of cheap female migrant labour.

59. Another sinister and increasingly widespread practice was forced prostitution, in which women were hired for an alleged job and then forced to prostitute themselves. Although some country-of-origin Governments were alarmed by the situation, others preferred to turn a blind eye, as the money remitted to the country by the migrants was a significant source of foreign exchange. In their view, labour was just another export commodity.

60. The World Confederation of Labour believed that people should emigrate of their own free will and that everyone should have the right to live and prosper in their own country. Accordingly, it urged all the members of the Commission and all the Governments represented on it to ratify and above all to implement the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

61. Mrs. KVERNADZE-MURRAY (Women's International League for Peace and Freedom) said that, among migrant workers, women were even more exposed to exploitation than men. In resolution 49/165 of 1994, the United Nations General Assembly had expressed its concern at the abuse they suffered. Women migrant workers were most frequently employed as domestic servants with extremely low wages and extremely arduous working conditions, and they were exposed to all forms of physical and mental abuse.

62. Action was necessary not only by the Governments of the host countries, which should acknowledge their responsibility to protect the rights of migrant labour and adopt suitable legislation in that respect, but also by the countries of origin, which should provide their citizens with precise information on conditions of employment abroad. The latter countries could also appoint special advisers for migrant workers in their embassies, who would be responsible for monitoring the situation of their migrants and defending their rights where necessary.

63. The Governments of the countries of origin and of the host countries should cooperate to control the activities of employment agencies and punish those who engaged in trafficking.

64. The action of the NGOs, which provided migrant workers with assistance and advice and facilitated their integration by various activities, should be encouraged. Lastly, it was extremely important to strengthen the international instruments designed to provide protection for migrant workers. None of the principal countries employing foreign labour had yet ratified the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It was imperative for the United Nations and particularly the Centre for Human Rights, as well as ILO, to concern themselves with the problem and to encourage Governments to accede to that Convention.

65. Mr. CAMACHO (Commission for the Defence of Human Rights in Central America) said that the situation of migrant workers from Central America was deteriorating. Although some steps forward at the regional level, such as the establishment of consultative organs and the decision to classify trafficking in persons in an illegal situation as a criminal offence, were welcome, migration remained a source of illicit wealth for some but of suffering for others. It was all the more deplorable that neither the Central American countries nor countries such as the United States, to which workers migrated, had satisfied the requests made in General Assembly resolution 45/158 and Commission resolution 1993/89, by acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families or by ratifying it.

66. It was true that some progress had been made, especially with the signing by Costa Rica and Nicaragua of an agreement concerning the issuance of seasonal work permits. However, it was unfortunate that the machinery established had led to a number of abuses; an additional drawback was that it did not apply to the members of the migrant's family. That experience clearly showed all the difficulties involved.

67. For its part, the United States planned to adopt restrictive measures, such as Proposition 187 in the State of California, which would limit access to school to children who were of American nationality or were legally resident in the country. Patrick Buchanan, a candidate in the primaries for the United States presidential election, had advocated a moratorium on legal immigration and the building of a wall along the border between the United States and Mexico, while the Government of the United States itself planned substantially to reduce the number of residence permits issued by the authorities.

68. For the countries of Central America, the expulsion of migrant workers and their forced repatriation were a costly process that shifted the problems without solving them. The Commission for the Defence of Human Rights in Central America urged the international community to acknowledge the economic and social causes of the phenomenon of migration and to marshall the necessary resources to remedy it. All those countries that wished to accede to the North American Free Trade Agreement (NAFTA) by the year 2005 should also ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

69. Mr. BUSDACHIN (Transnational Radical Party) said that his organization was concerned by the large number of violations of fundamental rights, and in particular of the right to freedom of religion, described by the Special Rapporteur, Mr. Amor, in his report (E/CN.4/1996/95 and Add.1 and 2). Frequently, those countries that violated freedom of religion also practised capital punishment. For that reason, the Transnational Radical Party welcomed the decision by Ukraine to abolish the death penalty and would continue its efforts to persuade the United Nations General Assembly to declare a moratorium on the use of that barbarous form of punishment.

70. The fate of Muslims in Kosovo, in Bosnia and Herzegovina and in Yugoslavia, of Christians in the Sudan, in Indonesia, China and Pakistan, of Buddhists in Myanmar and in Viet Nam, of Baha'is in Iran and above all of the Tibetans was most disturbing. It was not enough for Governments to ratify international conventions, they still had to implement them in practice.

71. Despite the resolution adopted by the Sub-Commission in 1991 to protect fundamental rights in Tibet, there were still hundreds of prisoners of conscience there, the vast majority of them monks and nuns. The new Panchen Lama, who had been recognized on 14 May 1995 by the Dalai Lama, had disappeared. That six-year-old boy was apparently the world's youngest political prisoner! The Chinese authorities contradicted themselves, on the one hand describing religion as an "opium", while on the other claiming to possess the requisite religious authority to recognize the second spiritual leader of the Tibetan people.

72. Accordingly, the Transnational Radical Party urged the Commission to assist the Special Rapporteur by every means in discharging his mandate and requested Governments to invite the Special Rapporteur to visit their country to study the situation there from the standpoint of freedom of religion.

73. Mr. MASSON (World Union for Progressive Judaism) said that while the Special Rapporteur on the question of religious intolerance should be praised for his integrity and wisdom, it was none the less surprising that he considered the question of the elaboration of an international convention to be "necessary but premature" (E/CN.4/1996/95, para. 69). In the wake of so many massacres in the name of religion, he asked whether the time had not come to bring before the courts the perpetrators of crimes against humanity, who were not only to be found in the former Yugoslavia. The revival of hostilities along the southern border of Lebanon and the calls to violence by Hamas were equally disturbing.

74. As had been underscored by the Special Rapporteur, in order to eliminate intolerance and discrimination it was essential to separate religion from politics. The path to peace and respect for fundamental rights led through just, respectful and universally accepted pluralism in both realms.

75. It was to be hoped that the Commission and the Centre for Human Rights would receive the full moral and financial support they required to discharge their mandate. Lastly, an International Day for Freedom of Religion and Belief should be proclaimed.

76. Mrs. NORZOM (Society for Threatened Peoples) said that her organization was particularly concerned by violation of the freedom of religion of Buddhists in Viet Nam, in Myanmar and in the Chittagong Hill Tracts in Bangladesh, of Christians in the Sudan, China and in Pakistan, of Baha'is in Iran and of Muslims in the former Yugoslavia. She shared the Special Rapporteur's view that freedom of religion should be guaranteed by law, but that in order to ensure it was respected, tolerance also had to be encouraged.

77. In Tibet, China had endeavoured to assimilate the Tibetan people by undermining the foundation of Buddhism. As early as 1990, the Chinese authorities had secretly decided to restrict the practice of religion in Tibet and in July 1994 senior Chinese officials had officially approved a number of measures to achieve that. Although, in May 1995, the Dalai Lama had recognized the eleventh Panchen Lama, on 8 December 1995 the Chinese authorities had not hesitated to appoint another Tibetan boy as the alleged "reincarnation" of the tenth Panchen Lama. Accordingly, the Society for Threatened Peoples urged the Chinese delegation to reveal the whereabouts of the eleventh Panchen Lama, who had the dubious privilege of being the world's youngest political prisoner. The international community, and in particular the Commission, should recognize that, by behaving in that manner, China had interfered in the religious affairs of Tibet and had violated a time-honoured religious tradition.

78. The CHAIRMAN invited those delegations which wished to do so to exercise their right of reply.

79. Mrs. GABR (Egypt) said that the delegation of Ireland had been mistaken in its assertion that the Special Rapporteur on the question of religious intolerance had received no reply from Egypt. In fact, he had received the information requested, but had not had time to take it into account in his report. Ireland should have checked its information either with the Centre for Human Rights or directly with the Egyptian delegation.

80. One NGO had claimed at a previous meeting that in Egypt the Coptic Christians were considered a national minority and that they suffered from discrimination. In fact, the Coptic Christians themselves did not wish to be considered as a national minority. Freedom of religion for all was guaranteed by the 1956 Egyptian Constitution, and Egyptian legislation required no one to convert to another religion. Only agitation in the name of freedom of religion to cause trouble was punished.

81. She also wondered why certain NGOs had referred to the case of Mrs. Al-Safty. Neither that person nor her family had lodged a complaint, and

no punitive measures had been taken by the Egyptian authorities. Finally, the Government of Egypt wished to confirm that it guaranteed the safety of places of worship and was devoted to preserving every element of its cultural and religious heritage.

82. Ms. INTELMANN (Observer for Estonia) said she wished to provide a number of clarifications following the statement by the Russian Federation at the previous meeting. In Estonia, there was no State Church, and Church and State were separated. The Government thus took no part in matters involving the churches or canon law.

83. The question of the Estonian Orthodox Church was the sole responsibility of the patriarchs in Moscow and in Constantinople. On 20 February, the Orthodox authorities had stated that the affairs of the Estonian Orthodox Church were being taken over by Constantinople, as had been the case during the country's independence before the Second World War. So far, 50 parishes out of 80 had recognized Constantinople. The problem was that the Orthodox Church, which depended on Moscow, refused to register with the Estonian authorities, as required by law, and demanded to be proclaimed the only Orthodox Church in Estonia. However, freedom of religion was an absolute principle from which no derogation was possible.

84. Property rights were determined by law, which provided for the restitution of property confiscated during the Soviet occupation. No special exception was made for Church property, and any problems were settled by the courts. Whatever the case, the Government of Estonia did not and would not intervene in those various areas. Apparently, the Russian Federation was simply attempting to politicize the issue.

85. Mr. ASSADI (Observer for the Islamic Republic of Iran) said that the United States had once again behaved in an ignoble fashion by limiting its criticism to certain States and demanding that others join it in condemning Iran. The report by the Special Rapporteur on the question of religious intolerance, Mr. Amor, concerning his visit to the Islamic Republic of Iran (E/CN.4/1996/95/Add.2), which spoke for itself, showed a clear improvement in the situation and the Iranian authorities were prepared to continue to cooperate with the Special Rapporteur. The representative of the United States should read the report attentively, in full and with objectivity. The Islamic Republic of Iran, which had voluntarily invited the Special Rapporteur to visit it, suggested that the United States should itself invite the Special Rapporteur so that he could document the situation there and report to the Commission, and should encourage its allies, both large and small, to do the same. The Commission would thus have a more objective and less selective basis for considering the item at hand.

86. Mr. CHOGYAL (China) said that, by referring to human rights violations in Tibet and asserting that China practised a policy of systematic immigration in Tibet to destroy Tibetan culture, certain NGOs were interfering in China's internal affairs and seeking to undermine its unity.

87. As a Tibetan, he wished to describe the real situation. The Chinese population comprised numerous nationalities and the Tibetan people possessed the same rights as all the others. In view of the particularly arduous living

conditions in Tibet, since 1991 the Government of China had provided aid equivalent to 1.5 billion dollars. Of the 62 projects it had decided to undertake, in July 1994, approximately 40, amounting to over 3 billion yuan, had already been completed. The Chinese authorities had also done a great deal to protect Tibet's cultural heritage, and in particular to restore the Potala palace.

88. Tibetans' living conditions had improved considerably. According to the results of the fourth census (1990) there were 2,196,000 inhabitants in Tibet, 95 per cent of whom were Tibetans. Between 1950 and 1990 the population had doubled, and the rate of demographic growth was unprecedented in Tibet's history.

89. All those facts showed that human rights and fundamental freedoms were protected in Tibet and that the alleged large-scale immigration purportedly organized by China was a lie concocted by NGOs which systematically attacked China using Tibetan compatriots.

The meeting rose at 6 p.m.